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Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Security Council
Sixty-sixth year

# The role of regional and subregional arrangements in implementing the responsibility to protect

## Report of the Secretary-General

## I. Introduction and mandate

1. The heads of State and Government, in paragraph 139 of the 2005 World Summit Outcome (see General Assembly resolution 60/1), and the General Assembly, in its resolution 63/308, called for the continuing consideration of the responsibility to protect. To that end, the Assembly held a formal debate on the topic in 2009 and informal interactive dialogues on aspects of it in 2009 and 2010. To inform those deliberations, I prepared reports on implementing the responsibility to protect (A/63/677) and early warning, assessment and the responsibility to protect (A/64/864). At the informal interactive dialogue of the Assembly held on 9 August 2010, many Member States expressed interest in having a similar such dialogue in 2011 on the role of regional and subregional arrangements in implementing the responsibility to protect. The present report addresses the regional and subregional dimensions of the responsibility to protect in anticipation of such a dialogue in the General Assembly in July 2011.

2. The architects of the United Nations accorded a prominent place to regional arrangements in their vision of the new world body. As I noted in February 2011 in the Cyril Foster Lecture at the University of Oxford, the foresight of the founders in anticipating in 1945 the need to work eventually with regional partners that were yet to be established was truly visionary.[1] Chapter VIII of the Charter is devoted to the

[1] See SG/SM/13385, 2 February 2011.

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role of regional arrangements in the maintenance of international peace and security, while Chapter VI, Article 33 (1), refers to "resort to regional agencies or arrangements" as an option for parties to a dispute, and Chapter VII, Article 47 (4), notes that the Military Staff Committee, "after consultations with appropriate regional agencies, may establish regional sub-committees". However, Chapters IX and X, on economic and social matters, make no reference to regional arrangements, thus failing to anticipate the growth of regional instruments and capacities for addressing economic and social development, as well as peace and security.

3. In paragraph 139 of the 2005 World Summit Outcome, the heads of State and Government foresaw several ways in which regional and subregional organizations and arrangements could be helpful in preventing genocide, war crimes, ethnic cleansing, and crimes against humanity and their incitement, as well as in responding in a timely and decisive manner "should peaceful means be inadequate and national authorities are manifestly failing to protect their populations" from such crimes and violations. They underlined the responsibility of the international community, through the United Nations, "to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations". Collective action under Chapter VII was to be considered "on a case-by-case basis and in cooperation with relevant regional organizations as appropriate".

## II. Regional dimensions of the implementation strategy

4. Fostering more effective global-regional collaboration is a key plank of my strategy for fulfilling the promise embodied in the responsibility to protect. Protection is our common concern. Regional and subregional bodies, such as the Economic Community of West African States (ECOWAS), the African Union and the Organization for Security and Cooperation in Europe (OSCE), were in the vanguard of international efforts to develop both the principles of protection and the practical tools for implementing them. The United Nations has followed their lead. Over the past three years, we have applied principles of the responsibility to protect in our strategies for addressing threats to populations in about a dozen specific situations. In every case, regional and/or subregional arrangements have made important contributions, often as full partners with the United Nations. As promising as these early experiences have been, however, they have also demonstrated how far we have to go in order to fully realize the potential synergies of global-regional-subregional cooperation in preventing genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement, and in protecting populations.

5. In addition to these historical, normative, and instrumental connections, there are critical legal and political linkages between global and regional organizations. Chapter VIII of the Charter describes a dual bottom-up, top-down relationship. According to Article 52 (2), Member States "shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council". On the other hand, Article 53 (1) cautions that "no enforcement action shall be taken without the authorization of the Security Council". Article 54 goes on to state that "the Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security". While they are not always strictly

observed in practice, the provisions of Chapter VIII underline the value of ongoing working relationships among global, regional and subregional organizations for prevention and protection purposes.

6. In political terms, it has become increasingly evident that the views of neighbouring States and regional bodies may be taken into account by members of the Security Council when determining which course of action to take in particular situations. This is as it should be. States and civil society groups that are closer to the events on the ground may have access to more detailed information, may have a more nuanced understanding of the history and culture involved, may be more directly affected by the consequences of action or inaction, and may be critical to the implementation of decisions taken in New York. Timely and decisive response is most likely when intergovernmental bodies at both the global and regional levels favour similar courses of action. In such cases, decision-making at both levels is mutually reinforcing in terms of political legitimacy.

7. The development of regional and subregional arrangements has varied markedly from region to region, whether measured in terms of scope, capacity or authority. We cannot apply a single standard, benchmark or template to all regions. Assets and needs differ from country to country and from region to region. This diversity in interests and experience speaks to the value of cross-regional research agendas and political dialogues. These could usefully address good and best practices, individual case studies, patterns over time, thematic issues and lessons learned, including with regard to how to do no harm.

8. Context matters. The responsibility to protect is a universal principle. Its implementation, however, should respect institutional and cultural differences from region to region. Each region will operationalize the principle at its own pace and in its own way. I would urge that an intraregional dialogue on how to proceed be held among Government officials, civil society representatives and independent experts, such as the Study Group on the Responsibility to Protect of the Council for Security Cooperation in the Asia Pacific of the Association of Southeast Asian Nations (ASEAN) Regional Forum. Regional, as well as global, ownership is needed. But make no mistake: each region must move forward, step by step, to ensure that populations are more protected and that the risk of mass atrocities recedes with each passing year. In paragraphs 138, 139 and 140 of the 2005 World Summit Outcome, the heads of State and Government spelled out national and international responsibilities clearly and unambiguously. These must not be diluted or diminished through reinterpretation at the regional, subregional or national level.

9. Energetic implementation efforts by regional and subregional organizations can bring added value to each of the three pillars of my strategy for fulfilling the promise of the responsibility to protect: pillar one, on the protection responsibilities of the State; pillar two, on international assistance and capacity-building; and pillar three, on timely and decisive response. The next three sections of the present report address the regional and subregional dimensions of each of the three pillars in turn.

## III. Protection responsibilities of the State

10. First and foremost, the responsibility to protect is about reasserting and reinforcing the sovereign responsibilities of the State. It affirms that a core function of global and regional organizations alike is to permit the full and peaceful

expression of sovereignty in accordance with the purposes and principles of the Charter and the provisions of international law. Sovereignty endows the State with international and domestic responsibilities, including the protection of populations on its territory. This is not a new or radical idea. In 1945, the drafting committee in San Francisco, referring to the domestic jurisdiction clause of Article 2 (7), declared that if fundamental freedoms and rights are "grievously outraged so as to create conditions which threaten peace or to obstruct the application of provisions of the Charter, then they cease to be the sole concern of each State".

11. The ultimate goal is to have States institutionalize and societies internalize these principles in a purposeful and sustainable manner. The more progress that States make towards the inclusion of these principles in their legislation, policies, practices, attitudes and institutions, the less recourse there will be to the third pillar (response). Recent events, however, have highlighted the fact that we are still far from that point, as some Governments appear to be at war with their own people. In such situations, neighbouring countries and regional and subregional bodies can play a critical facilitating role as political and operational bridges between global standards and local and national action. For example, the International Conference on the Great Lakes Region, through the 2006 Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and All Forms of Discrimination, and the associated committee structure and regional initiative, is working with its members to foster effective follow-up at the national level. A decade ago, the African Union chose a posture of non-indifference over one of non-intervention. It is a stance well worth adopting in other parts of the world.

12. Preventing mass atrocities is the legal responsibility of the State. Meeting this responsibility, however, requires partnering with civil society, including, inter alia, women's and civic groups, clerics, the private sector, academia and the media. Parliamentarians can give voice to this moral imperative. The constituencies and stakeholders committed to prevention and protection are diverse and dispersed, and are frequently transnational in scope. Targeted groups often spill over borders, while threats to populations frequently result in large flows of refugees and internally displaced persons. In such cases, diaspora communities can play either a calming and assisting role or a disruptive and destabilizing one. Neighbouring countries may feel political or moral pressure to become involved one way or another, highlighting the potential utility of constructive early engagement by regional and subregional arrangements in a preventive, fact-finding or conflict mediation capacity, as anticipated in the Charter.

13. Beyond the legal responsibilities of the State, individuals have a moral responsibility to protect. Mass crimes generally require the mobilization of large numbers of people — whether soldiers or civilians, police or wage earners — to turn on their neighbours and even their families with cold and calculated cruelty and callousness. They also require bystanders who pretend not to see or hear the anguish. On the other hand, those who refuse to look away or to participate, who shelter the vulnerable, and who speak out against the dehumanization of the targeted groups and for human rights and human dignity are exercising individual responsibility. We should honour and publicize such courageous acts, even as we learn from them.

14. To that end, the Joint Office of my Special Advisers on the Prevention of Genocide and the Responsibility to Protect, and its partners, have provided training and awareness-raising programmes in many parts of the world as Governments, civil society and international secretariats have sought better ways to forestall such violent upheavals. Over time, more of these sessions should be conducted in collaboration with regional and subregional organizations. The 2004 Plan of Action of the ASEAN Security Community, for example, called for the reduction of intercommunal tensions through education exchanges and curriculum reform, as well as for the promotion of exchanges and cooperation among ASEAN centres of excellence in peace research and in conflict management and resolution studies. Similar initiatives are under way in other regions.

15. Bottom-up learning processes can provide essential lessons with regard to the methods of self-protection that have been developed and practiced at the village and even family levels in places of recurring violence and repression. These complement the emphasis, within the framework of the responsibility to protect, on prevention and helping the State to succeed, instead of reacting once it has failed to protect. Training, education and awareness-raising are natural areas for new regional initiatives and global-regional-national partnerships.

16. Without sustained public understanding and support, the responsibility to protect will remain unfinished business. We look to the non-governmental-organization and academic communities, as always, for fresh ideas and information, comparative case studies and empirical research, accessible materials and media outreach, innovative public programming and well-informed commentary on how we could do better. More of this could be done on a cross-regional and South-South basis, such as a comparative lessons-learned exercise drawing on the experiences gained in Africa, Asia, and Latin America and the Caribbean. Officials and experts from Africa and Europe could compare notes on how their relatively complex institutional structures for early warning, prevention and protection have fared in practice.

17. Regional and subregional arrangements can encourage Governments to recognize their obligations under relevant international conventions and to identify and address sources of friction within their societies before they lead to violence or atrocities. There are many such examples of neighbours helping neighbours. The launch in 2009 of the ASEAN Intergovernmental Commission on Human Rights, as part of an ongoing effort to develop a more people-oriented ASEAN, complements regional human rights bodies of longer standing in Latin America, Africa and Europe. Among its functions have been the promotion of human rights and protection standards within the region, the development of effective and independent national human rights commissions, further accessions by their members to key global conventions, and public education and awareness-raising on these matters. In its resolution 117 (XXXXII) 07, on strengthening the responsibility to protect in Africa, the African Commission on Human and Peoples' Rights sought to apply this global principle to specific situations on the continent. Under the auspices of the New Partnership for Africa's Development, the African Peer Review Mechanism has provided candid assessments and reform recommendations to African Governments on matters relating to principles of the responsibility to protect. Consideration could be given to the incorporation of criteria related to the responsibility to protect into the universal periodic review of the Human Rights Council and regional peer review mechanisms.

18. One of the oldest and most quietly effective instruments for preventing atrocities has been the Office of the High Commissioner on National Minorities of OSCE. Other regions could establish similar posts for early warning and quiet diplomacy to ease tensions among groups within societies. Through initiatives to curb discrimination and xenophobia, and through its rigorous standards for membership accession, the European Union helps to discourage conditions that could serve as a breeding ground for atrocities. Some observers have suggested that the arrest of former Bosnian Serb General Ratko Mladic in May 2011 is evidence that such policies can aid the cause of accountability for atrocities under certain circumstances.

19. Responsibility requires accountability. In that context, it should be recalled that the developing system of international justice, with the International Criminal Court at its core, depends heavily on the principle of complementarity at the national level. Not unlike my strategy for implementing the responsibility to protect, the preferred course of action is for the State to investigate, indict and prosecute those who have committed the most serious crimes of international concern. International justice is a fallback option when domestic judicial processes prove inadequate to the task, as accountability should begin at home. From Argentina to Peru to Guatemala, historic efforts are under way to end impunity in the Americas. Moreover, it should be recalled that regional tribunals paved the way for the development of the International Criminal Court and have made important contributions to justice in Europe, Africa and Asia.

20. There have been important normative developments in this area at the regional level. For example, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, together with the good offices of the Organization of American States, have made cardinal contributions to efforts to address serious human rights situations and to prevent mass atrocities. The 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa is the first international legal instrument established to address a matter closely related to the responsibility to protect. Other regions might want to consider developing similar conventions.

## IV. International assistance and capacity-building

21. The second pillar of my strategy addresses ways to help the State bolster its capacity to prevent or curb mass atrocities. These efforts could be either of a structural or of an operational nature. Structural prevention seeks to change the context from one that is more prone to such upheavals to one that is less so. Its timeline is more extended and its results harder to perceive or measure. Operational prevention, on the other hand, strives to avert what appears to be the imminent threat of an atrocity. It addresses societies on the edge, in which concerns about atrocity prevention must often be reconciled with concurrent concerns about conflict prevention. Operational prevention thus may be related to the third pillar, on response, just as structural prevention is linked to the first pillar, on State responsibility. The regional and subregional dimensions of operational prevention are widely recognized. For the United Nations, global-regional-subregional partnerships on operational prevention are forged week after week, in crisis after crisis. A wide range of United Nations entities are involved, at both at the field and the headquarters-to-headquarters levels. As discussed below, improving operational

prevention and collaboration with our regional and subregional partners is our most urgent priority.

22. Less understood and less appreciated are the roles played by regional and subregional arrangements in structural prevention. The biggest players in development assistance are bilateral or global, not regional or subregional. The same could be said with respect to post-conflict peacebuilding. Strategic planning is generally done on a country-by-country basis, with ownership sought at the country level. This is natural, as economic and social development, like protection, is above all a sovereign responsibility. The private sector can play a pivotal role as well, in terms of decisions about where to (and where not to) invest. Civil society can make essential political and operational contributions.

23. So where do regional and subregional arrangements fit into this equation, and what is their added value in terms of strengthening the structural-prevention component of the second pillar? One place is with the regional and subregional development of norms, standards and institutions that promote tolerance, transparency, accountability, and the constructive management of diversity. A second is in the area of preparedness and planning, which can make a difference in reducing the ill effects of both man-made and natural disasters. In such matters, international actors should listen attentively to all of the insights expressed by local actors, especially from civil society. Given the fact that mass atrocities often have consequences for neighbouring countries, in particular in relation to the humanitarian and natural resource implications of large-scale refugee flows, preparedness and planning should be undertaken at both the cross-border and the country levels. Sometimes, such crimes are committed not by Governments, but by non-State actors, such as armed groups, drug cartels or terrorists. Such groups tend to operate on a transnational basis, thus requiring cooperative responses at the regional or subregional level.

24. As noted above, in paragraph 139 of the 2005 World Summit Outcome, the heads of State and Government called for international assistance to States "under stress before crises and conflicts break out". Often, neighbours and subregional and regional organizations have the keenest sense of when trouble is brewing in the neighbourhood and of where and how the international community can be of greatest assistance. They can identify capacity gaps and serve as conduits for the two-way flow of information, ideas and insights between stakeholders at the local and national levels and those at the global level. While those associated with regional and subregional arrangements frequently have uniquely valuable perspectives on such situations, it should not be assumed that they are always correct. Sometimes, more distant observers have a broader or more balanced perspective. Politics, profits and national interests come into play at the regional and subregional levels, just as they do in the deliberations of intergovernmental bodies at the United Nations. Most often, it is through the interplay of ideas, perspectives and preferences among local, national, and international stakeholders that the best policies and the most sustainable strategies are identified. As addressed in the final section of the present report, the challenge is to identify those practices and processes that are most likely to achieve both the proper balance and the best outcomes as a result of these complex interactions.

25. Prevention at every level has a common attribute: it is under-resourced locally, nationally, regionally and globally. Although it is often said that preventing mass

atrocities is far more cost-effective than responding to them, Member States and donors habitually devote more resources to the latter. I have been determined to bolster the preventive capacities of the United Nations. Over the past few years, the Member States have approved critical increments in the Organization's ability to work with its regional and subregional partners on mediation, facilitation and dialogue in crisis situations, including by strengthening the regional presence and the Mediation Support Unit of the Department of Political Affairs, as well as its programmes to enhance the mediation capacities of the African Union and the African regional economic communities. In 2010 alone, the United Nations helped to mediate nearly three dozen crisis situations. In a number of those cases, atrocities had been committed or were threatened. Over the past year, after carefully assessing information from regional and subregional arrangements, as well as from the United Nations system and civil society, my Special Advisers on the Prevention of Genocide and the Responsibility to Protect have made public statements regarding developments in Kyrgyzstan, Guinea, Côte d'Ivoire, the Libyan Arab Jamahiriya, the Sudan and Syria, as well as providing me with internal assessments of a number of other situations.

26. The danger of mass atrocities, in particular those involving sexual and gender-based violence, is most acute where the rule of law is weak and the security sector is in need of substantial reform. In such cases, the authority and even the legitimacy of the State may come into question, as women, children, the elderly and other most vulnerable members of society cannot rely on national authorities and institutions for protection. I have strengthened our capacity to help rebuild legal institutions and train police, prison and judicial officials in countries recovering from conflict. Elsewhere, the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights have taken the lead. Such steps can also contribute to prevention, and neighbouring countries may be in a position to provide models of successful practice, as well as training, educational and exchange programmes for officials in the rule-of-law and security sectors. Regional and subregional arrangements could do more to facilitate such cooperative efforts with the support of the United Nations, the private sector and civil society, as needed. These efforts could build on the normative traditions and institutional capacities that already exist in each region and culture, with regional and subregional arrangements again serving as a bridge between the local and the global.

27. Regional and subregional arrangements can play a critical role in helping to ensure the accurate and timely flow of information and analysis from the country level to global decision-makers, while lessening the risk of misinterpretation, misinformation and deliberate distortion. The European Union and OSCE, for example, have set up dedicated situation rooms. Respected regional entities such as the African Union Panel of the Wise can reinforce global messages about human rights norms and principles of the responsibility to protect, as well as accountability and the fight against impunity. They can discourage incitement and dehumanizing caricatures of particular groups within society, while advocating the constructive management of diversity. In Africa, both the African Union and the regional economic communities have developed early warning systems that could be very helpful in identifying such danger signs so that timely and effective preventive action can be taken, whether at the subregional, regional or global level. The Panel of the Wise, moreover, has decided to employ the framework of analysis developed

by the Joint Office of my two Special Advisers, something that other regional and subregional arrangements might want to consider.

28. An encouraging trend in that regard is the development of a voluntary network of focal points for the responsibility to protect in a substantial number of capitals around the world. Over time, this group could take on a range of communication, learning, policy, capacity-building and mapping functions. It would be helpful to our work at the United Nations, including that of the Joint Office of my two Special Advisers, if the focal points could undertake a mapping exercise of the capacities possessed by various Member States that could help to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. In addition, parallel networks of focal points in civil society and parliaments could be developed.

29. In my report on implementing the responsibility to protect, I noted that the preventive deployment of peacekeepers under Chapter VI or of combat forces under Chapter VII, with the consent of the host Government, to counter armed groups committing mass atrocity crimes, as was the case with the Revolutionary United Front in Sierra Leone a decade ago and with the Lord's Resistance Army today, could be considered acts of assistance to the State under the second pillar. Given the demands for blue helmets in many parts of the world, however, the further development of regional military capabilities, such as the African Standby Force, should be encouraged as an alternative, even if they will not be fully operational for some time. Civilian capacities to help inform regional and subregional policies with regard to emerging crises, such as through the European External Action Service, the Central American Integration System and the African Peace and Security Architecture of the African Union, could make a more significant contribution to the prevention of atrocities, especially in the near term.

## V. Timely and decisive response

30. The responsibility to protect relies on the whole range of policy instruments addressed in Chapters VI, VII and VIII of the Charter. Since there may be times when and places where less coercive policy tools are insufficient to protect large populations from harm, no broad strategy for implementing the responsibility to protect could be complete without some reference to Chapter VII methods. However, while such actions might be the most visible and dramatic instruments in the repertoire of the responsibility to protect, they are just the tip of the proverbial iceberg. Beneath the surface, gaining far less publicity, are the quiet responses undertaken with the tools of investigation, fact-finding, good offices, mediation, personal persuasion and conflict resolution laid out in Chapters VI and VIII of the Charter. Over the past few years, the responsibility to protect has been invoked by the Security Council, myself, my two Special Advisers and other colleagues in a non-coercive manner in Darfur, Kenya, Kyrgyzstan, Côte d'Ivoire, Yemen, Abyei and Syria. Only in the case of the Libyan Arab Jamahiriya (resolutions 1970 (2011) and 1973 (2011)) has the Security Council cited the responsibility to protect in the preamble of a Chapter VII resolution. If the principle is to be implemented in an effective, balanced and sustainable way, with the full collaboration of our regional and subregional partners, all of the measures and procedures specified in the Charter will have to be at the disposal of the United Nations. As the principle is translated from words into deeds at both the global and the regional levels, what is needed is

an early and flexible response tailored to the circumstances of each case, rather than any generalized or prescriptive set of policy options.

31. My 2010 report on early warning, assessment and the responsibility to protect called for early engagement and a balanced and dynamic understanding of the evolving conditions on the ground in each situation. In that regard, there should be natural synergies between the United Nations and its regional and subregional partners when it comes to gathering and exchanging information, comparing notes and sharing assessments of situations of common concern. Such interactive analytical processes can help to spur both mutual confidence and a shared understanding of the nature and scope of the challenges to be addressed in a particular case, as well as of the policy choices ahead and their likely consequences down the road. Just as transparency and the free flow of information can help to break down prejudices and stereotypes between groups within a society, they can contribute to greater coherence and a keener sense of shared responsibility among international actors, whether in a preventive or a responsive mode.

32. At the pinnacle of international decision-making, the Security Council could make more extensive use of its broad authority under Article 34 of the Charter to "investigate any dispute, or any situation which might lead to international frictions or give rise to a dispute". By undertaking several visits or missions each year to see how places of concern are faring, the Council has taken an important step in that direction. The focus has been more on conflict prevention and resolution, of course, than on the prevention of mass atrocities, although the Council's growing attention to protection issues in a peacekeeping context suggests that it would not be difficult to add these matters to the scope of its concerns, including in its messaging to Government leaders and the heads of armed groups during such missions.

33. In that regard, discouraging incitement and monitoring statements by national officials and opposition leaders and their supporters can be an essential preventive step. The timely sharing of information and of accurate transcripts of statements of concern could be helpful in making sure that the Member States and the secretariats of the United Nations and regional and subregional organizations are responding to the same base of information regarding possible incitement. By providing alternative media, including radio broadcasts, in places where incitement to violence against particular groups is rampant, the United Nations has sometimes been able to provide a more balanced and calming voice for the population. More could be done, however, in terms of collaboration with regional and subregional partners in such matters.

34. In the case of the Libyan Arab Jamahiriya, the League of Arab States acted to suspend its membership as a result of its assaults on civilian populations, and the General Assembly took similar action in terms of its membership in the Human Rights Council before the Security Council acted. The stance of the African Union and subregional organizations to suspend the membership of countries in which military coups have overthrown established Governments is encouraging in terms of accountability, and it would not be a great leap to add criteria related to mass atrocities. As noted above, the requirements for entry into the European Union may also be helpful in encouraging countries to meet human rights standards. Such efforts at collective peer pressure may not always constitute timely and decisive action, but they have symbolic and political value. It could be useful to explore ways in which regional and global action in the area of diplomatic sanctions,

including membership and representational issues, could be coordinated when the commission of mass atrocities is involved.

35. Doctrine for the possible use of peacekeeping and military assets in the context of preventing, deterring or responding to atrocities is not well developed. There is a need for a deeper and more inclusive discussion of such matters, both among Governments and among independent experts. The roles of both the United Nations and its regional and subregional partners should be considered in such dialogues and assessments.

36. Targeted or "smart" sanctions, such as restrictions on arms, police equipment, mercenaries, finances and travel, are often seen as attractive alternatives to more forceful measures. More study is needed, however, of their effectiveness in cases in which national authorities seem determined to commit mass atrocities. One hurdle is timing, as the effects of such sanctions may take a number of months to be felt. Another is implementation, as their application invites measures to circumvent their provisions and monitoring is never airtight. A third is the collateral damage caused to the economies of neighbouring countries and trading partners. Each of these concerns suggests the value of greater global-regional study and dialogue on how to facilitate cooperation between the United Nations and its regional and subregional partners on designing and implementing more effective sanctions packages for cases of mass atrocities.

37. The International Criminal Court is an independent body, controlled neither by the United Nations nor by regional bodies. Nevertheless, its work, even its very existence, plays a central role in prevention, as well as in efforts to ensure accountability in cases of mass atrocities. Parallel efforts to pursue justice and peace may raise issues of timing and coordination, but in the end these are mutually reinforcing goals. Both should be served. Regional and subregional arrangements can help to set the tone in terms of encouraging the cooperation of local and national authorities in apprehending those who have been indicted or convicted and in restricting their travel. Again, some quiet global-regional dialogue on these issues could be helpful in sorting out lessons learned and possible paths forward.

## VI. Collaboration and partnership

38. Most Member States are also members of one or more regional or subregional arrangements. Coherence and synergies in global-regional cooperation, therefore, begin in capitals. I would encourage members of the Security Council and of the Peacebuilding Commission, in particular, to consider ways in which greater collaboration in planning and in policymaking between those bodies and regional and subregional ones could be fostered, including on how to discourage the commission of atrocities and promote national responsibility and accountability.

39. Desk-to-desk communication and cooperation between the United Nations Secretariat and its regional and subregional counterparts is growing and proving to be mutually beneficial, but it has been uneven. Moreover, while the United Nations has robust and productive relationships with a number of regional and subregional partners, these generally do not explicitly address the prevention of atrocities. In the future, we might usefully include in our dialogues and agendas issues related to the responsibility to protect. We have much to learn from one another.

40. My Special Advisers on the Prevention of Genocide and the Responsibility to Protect have been accelerating their contacts with regional groups on both thematic issues and specific country situations. Some of these relationships, such as those with the High Commissioner for National Minorities of OSCE, the African Union, the International Conference of the Great Lakes Region and the European Union, are relatively well developed; others, such as those with ASEAN, ECOWAS, the Inter-Governmental Authority for Development, the Organization of American States and the League of Arab States, are at an earlier stage of development. In the coming months, my Special Advisers will look for ways to broaden and deepen these relationships as a matter of high priority.

41. I look forward to the upcoming informal interactive dialogue in the General Assembly on the regional aspects of the responsibility to protect. Like earlier such dialogues, it will be a prime opportunity to hear the views of Member States, as well as leading regional and subregional officials and experts, as we move forward in refining the concept and charting the road towards the full, balanced and sustainable implementation of the principles laid out by the heads of State and Government at the 2005 World Summit.

42. I would welcome suggestions as to what the focus of next year's dialogue should be. One possibility is an assessment of efforts to date to utilize all of the tools of Chapters VI, VII and VIII in implementing the third pillar of my strategy.

43. Members of the Security Council may also want to consider some of the issues raised in the present report. In paragraph 139 of the 2005 World Summit Outcome, the heads of State and Government noted that collective action was to be taken "through the Security Council, in accordance with the Charter". As discussed above, Chapter VIII of the Charter defines a special relationship between the Council and regional arrangements and agencies.

44. There is every reason to anticipate enhanced collaboration between the United Nations and its regional and subregional partners in the implementation of the responsibility to protect in the months and years ahead. The conceptual, political and operational development of the responsibility to protect has proceeded with unusual alacrity. Support for the principle is broad, deep and growing. Yet we also know that declaring a principle and ensuring its consistent implementation are two quite different things. The latter will continue to be a learning experience for Member States and the Secretariat alike. We do not have all the answers. But we are confident that the surest path for advancing the responsibility to protect is through global-regional-subregional partnership.

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# Financing of the United Nations Mission in Ethiopia and Eritrea

## Report of the Fifth Committee

*Rapporteur*: Ms. Nicole Ann **Mannion** (Ireland)

## I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session the item entitled "Financing of the United Nations Mission in Ethiopia and Eritrea" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 34th and 42nd meetings, on 5 May and 30 June 2011. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/65/SR.34 and 42).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the financing of the United Nations Mission in Ethiopia and Eritrea (A/65/678);

(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/65/748).

## II. Consideration of draft resolution A/C.5/65/L.33

4. At its 42nd meeting, on 30 June, the Committee had before it a draft resolution entitled "Financing of the United Nations Mission in Ethiopia and Eritrea" (A/C.5/65/L.33), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Bangladesh.

5. At the same meeting, the Committee adopted draft resolution A/C.5/65/L.33 without a vote (see para. 6).

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## III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

### Financing of the United Nations Mission in Ethiopia and Eritrea

*The General Assembly*,

*Having considered* the report of the Secretary-General on the financing of the United Nations Mission in Ethiopia and Eritrea[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

*Recalling* Security Council resolution 1312 (2000) of 31 July 2000, by which the Council established the United Nations Mission in Ethiopia and Eritrea, and the subsequent resolutions by which the Council extended the mandate of the Mission, the last of which was resolution 1798 (2008) of 30 January 2008, by which the Council extended the mandate of the Mission until 31 July 2008,

*Recalling also* Security Council resolution 1827 (2008) of 30 July 2008, by which the Council terminated the mandate of the Mission effective on 31 July 2008,

*Recalling further* its resolution 55/237 of 23 December 2000 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 64/277 of 24 June 2010,

*Reaffirming* the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

*Noting with appreciation* that voluntary contributions have been made to the Mission,

1. *Takes note* of the status of contributions to the United Nations Mission in Ethiopia and Eritrea as at 30 April 2011, including the credits in the amount of 2.5 million United States dollars;

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure their full implementation;

**Disposition of assets of the United Nations Mission in Ethiopia and Eritrea**

3. *Takes note* of the report of the Secretary-General on the final disposition of the assets of the Mission;[1]

4. *Encourages* Member States that are owed credits for the closed peacekeeping mission accounts to apply those credits to any accounts where the Member State concerned has outstanding assessed contributions;

5. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Financing of the United Nations Mission in Ethiopia and Eritrea".

[1] A/65/678.
[2] A/65/748.